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CASCHERA, ANTONIO A	

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/084,721
Filing Date: February 25, 2002
Appellant(s): GOROKHOVIK, DIMITRI

Russell Gross
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 4, 2004.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 1-8 stand or fall together.

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

6,005,588	Guha	12-1999
5,990,907	Colletti	11-1999

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2, 4, 5, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guha (U.S. Patent 6,005,588).

In reference to claims 1, 4, 7 and 8, Guha discloses a system and method for display text in a graphical user interface on a display screen (see lines 1-2 and 9-11 of abstract). Guha discloses the system, being implemented on an Apple Macintosh computer (see column 3, lines 50-52), comprising an initialization module which processes character sets or collections of text characters having particular characteristics such as typeface, size and style (see column 4, lines 33-37). Note, the office interprets that Guha inherently discloses the storing of such character sets as Guha discloses a RAM (memory unit) storing software instructions along with other data to act as a workspace in the implementation of the invention of Guha (See column 3, lines 58-61). Guha also discloses a code generation module generating executable code from character bitmaps which are further derived from character sets (see column 4, lines 46-55). Note, the office interprets the character sets of Guha equivalent to the summary description of applicant's claims. Guha discloses a display module calling and executing functions from the executable code to display the character after drawing the character into a frame buffer (see column 6, lines 47-52 and 58-63). Guha further discloses defining character bitmaps from a character set which identify a set of pixels within a grid that form a shape of the character set when activated (see column 4, lines 46-51). Note, the office interprets the character bitmaps functionally equivalent

to the nonexecutable symbolic code of applicant's claims. Guha also discloses utilizing the character bitmaps to generate the executable code by scanning through the bitmap and generating instructions whenever an activated pixel is detected (see column 4, lines 53-55 and column 5, lines 40-46). Note, the office interprets the process of scanning and detecting activated pixels functionally equivalent to performing a dynamic generation step because different bitmaps will have different activated pixels therefore necessitating the detection of different pixels and making it a dynamic detection. Guha does not explicitly disclose storing the character sets in a database however, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to store character data in some sort of memory unit. Applicant has not disclosed that storing character sets in a database provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the inherently taught feature of storing character sets in a random-access memory unit because specifically storing character data in a database is a matter of design choice as preferred by the designer and/or to which best suits the application at hand as the means for storing the data is seen to provide no immediate criticality to the application at hand. Further, the use of other data structures could also be implemented and still be in compliance with the applicant's invention. Therefore, it would have been obvious to one of ordinary skill in this art to modify Guha to obtain the invention as specified in claim 1. Note, in reference to claim 7, Guha discloses all of the claim limitations as applied to claim 4 above in addition, Guha discloses the code generation module coupled to the RAM via the CPU (see column 3, lines 58-60, column 4, lines 9-14 and #101 and 102 of Figure 1). Note, in reference to claim 8, Guha discloses all of the claim limitations as applied to claim 1

above in addition, Guha discloses the above methods utilizing software modules (see column 8-11 and Figure 2), which the office interprets as functionally equivalent to a computer program product of applicant's claim.

In reference to claims 2 and 5, Guha discloses all of the claim limitations as applied to claims 1 and 4 respectively above in addition, Guha discloses storing the generated executable code in a RAM storage unit (see column 6, lines 42-44). Further, Guha discloses the code generation module coupled to the RAM via the CPU (see column 3, lines 58-60, column 4, lines 9-14 and #101 and 102 of Figure 1).

Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guha (U.S. Patent 6,005,588) in view of Colletti (U.S. Patent 5,990,907).

In reference to claims 3 and 6, Guha discloses all of the claim limitations as applied to claims 2 and 5 above in addition, Guha discloses receiving font display calls from applications running on the computer system to display characters (see column 6, lines 49-51 and "Font Display Calls" in Figure 2). Although Guha does disclose storing the generated executable code in RAM for later access by the display module for displaying (see column 6, lines 42-45), Guha does not explicitly disclose searching an executable code corresponding to a character in storage. Colletti discloses a system and method for automatically providing access and management of installed and noninstalled fonts in a computer system (see lines 1-3 of abstract of Colletti). Colletti discloses the system searching from a set of installed fonts for a specific requested font (see column 3, lines 14-18). Colletti also discloses that if the font was found within the set of installed fonts, the system returns the font to the calling application if not, the system queries a font database to determine if the font name is available but not installed (see column 3, lines 18-

19 and 23-26). It would have been obvious to one of ordinary skill in the art at the time invention was made to search, utilizing the searching techniques of Colletti, the executable code storing unit of Guha for characters which already have executable code in order to only generate executable code for characters not already processed therefore creating a more efficient and quicker graphics system by saving processing cycles on those already processed characters.

(11) Response to Argument

With respect to claim 1, which is typical of additional independent claim 4, Appellant (3rd paragraph of page 7) argued that the Guha reference does not disclose the claim elements of the invention, in particular the, "extracting, from the summary description of said character, a nonexecutable symbolic code defining actions for colorings in points," (see 3rd paragraph page 8). Appellant further argued that Guha fails to teach such a feature because, "...the bitmap is not stored in the summary description," (see 3rd paragraph of page 8).

In reply, the examiner disagrees. As explained in the Final Office action dated, 11 May 2004 and as seen above, an equivalence of the nonexecutable symbolic code element of the invention to the bitmap of the Guha reference was made. Also, the summary description element of the invention were made equivalent to the character set of Guha who defines the character set as, "...a collection of text characters having particular characteristics such as typeface, size and style (which characteristics are collectively referred to as the "font" of the character set)," (see column 4, lines 34-37). As can be seen in column 4, lines 46-47 of Guha, a renderer unit uses a character set to generate a set of character bitmaps. Further, the data path, including directional arrows of data flow, connecting elements #201, 203 and 204 of Figure 2 also show such a feature as the character set data #201 is input to the renderer #203 which produces character bitmaps

#204 as output. Since the Guha reference derives the character bitmaps #204 by drawing data from character sets #201, the examiner clearly believes that the bitmap data is essentially stored in the character set data.

Appellant also argued (see 4th paragraph of page 8) that the Guha reference actually, "...teaches away from storing either the bitmap or character set as this would increase storage requirements and utilize resources." Appellant further recited a "Background of the Invention" passage in Guha where Guha states the disadvantages of storing bitmaps for characters and therefore, "...one would not look to Guha to store bitmaps or character sets...because Guha specifically discusses the disadvantages of storing bitmaps or the character sets," (see 2nd paragraph of page 9).

In reply, the examiner again disagrees. As explained in the Final Office action dated, 11 May 2004 and as seen above, the Guha reference does not explicitly disclose storing the character sets in a **database** as recited in the preamble of independent claim 1 however, Guha clearly states that the produced bitmaps are stored in a frame buffer (see column 4, lines 47-52). Even further, the above explained elements of Guha, character set data #201, renderer #203 and character bitmaps #204 seen in Figure 2, are disclosed as implemented in a, "software architecture" #200 (see column 4, lines 9-11 and #200 of Figure 2). Guha then discloses that a RAM (Random Access Memory) unit is used in storing the software instructions (see column 3, lines 58-60). Therefore, the examiner clearly believes Guha discloses storing both the character set and bitmap data.

Appellant also argued (see 5th paragraph of page 9) that the examiner's interpretation of the symbolic code, of the invention, equivalent to the character bitmaps, of Guha, is not correct.

Appellant stated that the symbolic code is nonexecutable, provides instruction for generating the executable code and is represented in a tree-like structure (see 4th paragraph of page 9). Appellant also stated that the, "...program instructions are executed on the bitmap to determine the resultant executable code, whereas the symbolic code provides instruction for determining the executable code," (see 5th paragraph of page 9).

In reply, the examiner points to the claim language of claim 1, specifically the limitation of, "...a nonexecutable symbolic code defining actions for coloring in points on the output apparatus..." (see lines 10-11 of claim 1). As explained in the Final Office action dated, 11 May 2004 and as seen above, the examiner interpreted the character bitmaps functionally equivalent to the nonexecutable symbolic code of applicant's claims. Guha discloses a character bitmap as defining, "...a set of pixels within a grid that, when activated, form a shape representing or approximating the shape of one of the characters from character set 201..." (see column 4, lines 48-51). Even further, Guha discloses a code generation module which uses the bitmap to generate executable code capable of reproducing the bitmap (see column 4, lines 53-55). The examiner believes the bitmap of Guha equivalent to the nonexecutable symbolic code of the invention because; a) the bitmap defines a set of pixels within a grid that form a shape of a character clearly seen as a type of code; b) the bitmap defines the action of whether or not to activate certain pixels which is clearly seen as "defining actions for coloring points"; and c) the bitmap is nonexecutable as a further code generation unit clearly produces executable code from the bitmap. Also, if the Appellant desires to describe the differences between the bitmap of Guha versus the definition of the symbolic code from the specification of the invention, i.e. that the symbolic code maybe represented in a tree-like structure or code sequence (see 4th paragraph

of page 9), the examiner reminds the Appellant that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Such a limitation, the nonexecutable code being represented in a tree-like structure or code sequence, is not recited in the rejected independent claims and therefore is not considered in the claims.

Appellant further argued that a *prima facie* case of obviousness has not been set forth (see page 10) since, "...the inherent feature of storing the character sets...would change the principle of operation of Guha," and "Guha describes the disadvantages of storing the bitmaps," (see 2nd paragraph of page 11).

In reply, as explained in the Final Office action dated, 11 May 2004 and as seen above, the Guha reference does not explicitly disclose storing the character sets in a **database** as recited in the preamble of independent claim 1 however, Guha clearly states that the produced bitmaps are stored in a frame buffer (see column 4, lines 47-52). Even further, the above explained elements of Guha, character set data #201, renderer #203 and character bitmaps #204 seen in Figure 2, are disclosed as implemented in a, "software architecture" #200 (see column 4, lines 9-11 and #200 of Figure 2). Guha then discloses that a RAM (Random Access Memory) unit is used in storing the software instructions (see column 3, lines 58-60). Further, the exact location of storing data would only change the operation of the invention in terms of a data-accessing element however, the overall scope, function and goal of the invention would still remain consistent with the scope, function and goal of Guha. The examiner clearly believes Guha discloses storing both the character set and bitmap data and therefore a *prima facie* case of

obviousness is believed to have been established, meeting the three basic criteria of establishing such a case.

Appellant finally argues (see 1st -2nd paragraphs of page 12) that the rejections of claims 3 and 6 are, "in error because the references fail to show a limitation cited in the independent claims 1 and 4, from which they depend."

In reply, the examiner clearly believes the rejections of claims 3 and 6, under 35 U.S.C. 103(a), to be proper as all of the limitations of independent claims 1 and 4, from which claims 3 and 6 depend upon, have been properly reviewed, rejected and explained as seen above.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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Antonio Caschera
December 8, 2004

Conferees MR
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